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नई दिल्ली, शनिवार, अप्रैल 17, 1999/चैत्र 27, 1921

No. 15]

NEW DELHI, SATURDAY, APRIL 17, 1999/CHAITRA 27, 1921

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)

PART II—Section 3—Sub-section (III)

केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किये गये आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than the Administrations of Union
Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 5 मार्च, 1999

आ. अ. 73 :—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन
आयोग एतद्वारा निर्वाचन अर्जी सं. 3/98(आर.) में दिया गया पटना उच्च न्यायालय रांची बेंच,
रांची का तारीख 26 नवम्बर, 1998 का आदेश प्रकाशित करता है।

(आदेश अधिसूचना के अंग्रेजी भाग में छपा है)

[सं. 82/बिहार/3/98(आर.)/99]

आदेश से

डी. एन. चावला, सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 5th March, 1999

O.N. 73.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the order dated the 26th November, 1998 of the High Court of Judicature at Patna Ranchi Bench, Ranchi in Election Petition No. 3 of 1998(R).

ELECTION PETITION NO. 3 OF 1998(R)

In the matter of an application under Sections 80, 80A and 81 of the Representation of People Act, 1951.

Chitrasen Sinku Petitioner.

Versus

Shri Bijay Singh Soy
and others Respondents.

For the petitioner : M/s. Ram Kishore Prasad,
Mahadeo Thakur.

For the respondents : M/s. P. S. Dayal, A. S.
Dayal, R. R. Shrivastava.

PRESENT :

The Hon'ble Mr. Justice G. S. Chaube.

ORDER

...-11-98. Faced with the inevitable consequence of non-compliance with the provision of section 81 of the Representation of People Act, 1951 (hereinafter to be referred to as the Act), the petitioner has taken refuge in the provisions of the Code of Civil Procedure, 1908 (the Code) via section 87 of the Act by filing an application under section 151 of the Code for condoning the delay that has occurred in presenting this petition calling in-question the election of a returned candidate, to be more precise, respondent No. 1.

2. Petitioner, Chitrasen Sinku was the Bharatiya Janta Party candidate in the election to 51-Singhbhum (ST) Parliamentary constituency held in 1998. Besides the petitioner, three others who are respondents No. 1, 2 and 3 in this petition were in the fray after the scrutiny and withdrawal of nomination papers. Respondent No. 1 Bijay Singh Soy was a Congress candidate; whereas respondent No. 2 Mangal Singh Bobonga was sponsored by Jharkhand Mukti Morcha and respondent No. 3 Shri Krishna Mardi had contested the election as an independent candidate. The poll was held on 16-2-98 and the ballot papers counted on 2-3-1998 and 3-5-1998. The result of the election to the said Constituency was declared on 3-3-1998 and respondent No. 1 Bijay Singh Soy was declared elected returned having secured the highest number of valid votes polled. He secured as many as 1,86,242 such votes while the petitioner had secured 1,75,390 valid votes polled. Respondent No. 2 had

secured 1,24,655 votes; whereas respondent No. 3 had obtained 24,719 votes. 14,363 votes were found invalid and consequently rejected.

3. Thus the petitioner having lost the battle of ballots in the said Constituency by a margin of 10852 votes only has called in question the election of respondent No. 1 by filing the present petition under Section 81 of the Act on 23-4-98. The grounds on which the petitioner has challenged the election of respondent No. 1 are that about 20000 ballot papers marked in his favour were wrongly rejected as doubtful/invalid inspite of protest by his Counting Agents in course of the counting of ballot papers; that about 25000 ballot papers which were otherwise invalid and not acceptable by dint of bearing no signature of the Presiding Officer/Officers and distinguishing mark of the polling booth concerned, were treated as valid and counted in favour of respondent No. 1 instead of being rejected inspite of objection raised by and on behalf of the petitioner; and lastly that votes polled by him were counted in favour of respondent No. 1.

4. When the petition was presented in this Court, the Registry reported that the limitation had expired on 17-4-98. In other words, the petition was presented by the petitioner in this Court six days after the prescribed period of limitation had expired. Realizing this legal and factual position, the petitioner simultaneously filed an application under Section 151 of the Code for condoning the delay on the ground that soon after the declaration of the result, he applied to the Returning Officer of the Constituency for supplying copies of certain documents which were, in fact, supplied to him on 3-4-98. In the meantime, he was seized by jaundice and was advised complete bed rest between 2-4-98 and 20-4-98. After recover from his illness, he came to Ranchi on 21-4-98 and contacted his counsel and after making necessary formalities respecting deposit of sum of Rs. 2,000 in accordance with the provision of Section 117 of the Act, the present petition was filed in this Court on 23-4-98. Therefore, a prayer has been made to condone the delay on the grounds stated above.

5. Notice of the application under Section 151 of the Code was served on respondent No. 1 who appeared and filed a rejoinder thereto disputing the correctness of the grounds on which the petitioner has sought condonation of delay. According to him, as a matter of fact, the petitioner had undertaken train journey on 13-4-98 from Chakradharpur to Perambur as an Ex-M.P. on emergency quota by train No. 8189 UP. Besides it has been contended that in law condonation of delay in filing of the petition is not permissible.

6. Section 81(1) of the Act provides that an election petition calling in question any election may be presented on one or more of the grounds

specified in sub-section (1) of Section 100 and Section 101 to the High Court by any candidate such election or any electorate within 45 days from, but not earlier, than the date of election of the returned candidate or if there are more than one returned candidates, the election and the dates of their election are different, the later of those two dates. Admittedly, the result of the 51 Singhbhum (ST) Parliamentary Constituency was declared on 3-3-1998 and respondent No. 1 was declared elected. Excluding the day the result was declared for the purpose of computing the period of limitation in accordance with the provisions of the General Clauses Act, the period of 45 days prescribed for presenting the petition expired on 17-4-98, although in the petition it has been wrongly mentioned that it expired on 16-4-98. Therefore, in compliance with the provision of section 81 of the Act, this petition ought to have been presented on or before 17-4-98; instead it was presented on 23-4-98. There is a catena of decisions of different High Courts as well as the Apex Court that the provision of section 5 of the Limitation Act which empowers a court to condone the delay on certain grounds, is not applicable in the case of delay in presenting an election petition. One of such decisions is to be found in the case of *Hukumdeo Narain Yadav Vs. Lalit Narayan Mishra* (AIR 1974 SC 480) in which a Bench of three Judges of the Apex Court has held in no uncertain terms that the provisions of section 5 of the Limitation Act do not govern the filing of election petitions and their trial. Incidentally the learned counsel for the petitioner submitted that he is not seeking condonation of the delay by invoking the provisions of Section 5 of the Limitation Act because the same is not applicable. However, he contended that since the provisions of the Code are applicable in the matter of trial of election petitions, and section 151 thereof clothes the court with inherent power to do anything for furtherance of interest of justice, the delay of six days which has occurred in presenting the present petition for sufficient reasons must be condoned.

7. In support of his contention, learned counsel has adverted to the provisions of Section 87 of the Act and section 151 of the Code. Besides, he has relied heavily on the decision of the Apex Court rendered in the case of *Collector of Land Acquisition Anantanag and another Vs. Mosst. Katiji and others* (AIR 1987 SC 1353). Sub-section (1) of section 87 of the Act lays down that subject to the provisions of this Act and of any rules made thereunder, every election petition shall be tried by the High Court as quickly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908), to the trial of suits provide that the High Court shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness

or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings. Section 151 of the Code is respecting the inherent powers of the Court. It provides that nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the court to make such orders as may be necessary in the ends of justice or to prevent abuse of the process of the court.

8. Mr. Ram Kishore Prasad, learned counsel of the petitioner has contended that one of the grounds on which the election of respondent No. 1 has been called in question is that about 25000 ballot papers were counted as valid in favour of the said respondent even though they bore no signature of the Presiding Officer and/or distinguishing mark of the polling booth and that this fact has been admitted by the Returning Officer in his order dt. 3-3-98 rejecting the prayer of the petitioner for recounting of ballot papers of Majhogaon Assembly segment. He has referred to Annexure 8 to the petition which is photocopy of certified copy of order dt. 3-3-98 of the Returning Officer. In the said order, the Returning Officer has admitted presence of marked ballot papers sans the signature of the Presiding Officer and/or distinguishing mark of the polling booth. He has also admitted that when such ballot papers were noticed in course of counting, they were counted in favour of the candidate for whom they were marked instead of being rejected on the ground that on looking to the diaries of the Presiding Officers, ballot paper accounts and declarations submitted by the Presiding Officers, he could see no reason for not accepting them as genuine.

9. Learned counsel has contended that rejection of the petition at the threshold on the sole ground of limitation in such a situation shall be tantamount to permit perpetuation of illegality committed by the Returning Officer in the matter of counting of such votes which were not valid and declaring a candidate elected even though he could not have secured a majority of valid votes polled after scrutinizing such ballot papers. He submits that to prevent perpetuation of such illegality, this Court, must act *ex debito justitiae* in exercise of the inherent power vested in it under Section 151 of the Code and admit the petition by condoning or ignoring the delay of six days and after full trial do the real and substantial justice for which alone it exists.

10. On face of it, the argument appears to be quite alluring. However, when one goes deep in the provisions of the Act vis-a-vis section 151 of the Code and numerous judicial decisions, condonation of delay is found to be quite unacceptable.

11. Indeed by virtue of Section 87 of the Act, the provisions of the Code have been made applicable in the matter of trial of election petition, but

the provisions of the Code have been made applicable "subject to the provisions of this Act and of any rules made thereunder". In other words, in case of conflict between the provisions of the Code and the Act respecting a particular matter, the provisions of the Act have over-riding effect power. If there is a specific provision in the Act for doing certain thing in certain manner it shall not be permissible for this Court to act contrary thereto in the name of furthering the ends of justice by invoking the provisions of Section 151 of the Code, that is, the inherent power. As noticed earlier, Section 81 of the Act mandates that any petition calling in-question the election of a returned candidate must be presented in the High Court within 45 days from the date of declaration of the result. Section 86(1) of the Act mandates that the High Court shall dismiss an election petition which does not comply with the provisions of Section 81 or Section 82 or Section 117. As noticed earlier, section 81 is respecting the period within which an election petition should be presented before the High Court; section 82 of the Act relates to the joining as respondents in the petition and section 117 respects deposit of security for cost, at the time of presenting an election petition. According to the provision of sub-section (1) of section 86 of the Act if the provisions of these three sections are not compelled with, the High Court has no option but to dismiss the election petition.

12. In the case of K. Venkateswara Rao and another Vs. Venkam Narsingha Reddy and others (AIR 1969 SC 872), a question had arisen whether a person against whom there was charge of corrupt practice could be impleaded as a respondent after the expiry of the period prescribed for presenting the election petition invoking the provision of Order I Rule 10 CPC even though he had not been impleaded as such in the original petition. The Apex Court held that even though Section 87(1) of the Act lays down that the procedure applicable to the trial of an election petition shall be like that of the trial of a suit, the Act itself makes important provisions of the Code inapplicable to the trial of an election petition. After referring to the provisions of Rule 17 of Order VI and Rule 10 of Order I CPC and those of sections 86(5) and sub-section (4) of section 86 as well as 82 of the Act, their Lordships of the Supreme Court held that "under section 86(1) it is incumbent on the High Court to dismiss an election petition which does not comply with the provisions of Section 81 or Section 82 of the Act. Again the High Court must dismiss an election petition if security for costs has not been given in terms of section 117 of the Act". In the same decision, the Apex Court has held at page 878 in the following manner :—

"There is no section in the Act as it now stands which equates an order made by the High

Court under Section 98 or Section 99 to the decree passed by a civil court subordinate to the High Court. An appeal being a creature of a Statute, the rights conferred on the appellant must be found within the four corners of the Act. Sub-section (2) of section 116A expressly gives this Court discretion and an authority to entertain an appeal after the expiry of the period of 30 days. No right is, however, given to the High Court to entertain an election petition which does not comply with the provision of section 81, section 82 or section 117" (Emphasis added).

13. Mr. Prasad quoted the observation of the Apex Court in the case of Collector, Land Acquisition, Anantanag (*supra*) to bring home his point that in the matter of condonation of the delay, the court should adopt a liberal approach because "refusal to condone the delay can result in a meritorious matter being thrown out at the very threshold and cause of justice been defeated"; that "when substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred for which other side cannot claims to have vested right in injustice being done because of a non-deliberate delay"; and that "judiciary is respected not on account of its power to legalise injustice on technical grounds but because it is capable of removing injustice and is expected to do so".

14. At the outset it may be mentioned that this decision was rendered by the Apex Court and the above mentioned philosophy respecting approach in the matter of condoning delay on sufficient grounds was laid down in a matter arising out of condonation of delay in filing of an appeal after expiry of the prescribed period of limitation. The decision lays down rule that if the court is vested with the discretion to act in a certain manner it should act in such a way as to advance the cause of justice and not to defeat or frustrate it. However, if no such discretion has been vested in the court, it cannot usurp it in the name of exercising inherent jurisdiction/power under Section 151 of the Code. It has been held by the Apex Court in the case of Charanlal Sahu Vs. Nand Kishore Bhatt and others (AIR 1973 SC 2464) that if no discretion has been conferred in the matter of condoning delay in presentation of a petition calling in-question an election or absolving the petitioner from payment of security for cost under the special Statute (R.P. Act) "none can be exercised under any general law or any principle of equity". The Apex Court has further observed that if for non-compliance with the provisions of sections 82 and 117 which are mandatory an election petition has

to be dismissed under Section 85(1) of the Act, the presentation of election petition within the period prescribed in Section 81 would be equally mandatory, the non-compliance of which visits penalty of the election petition being dismissed.

15. Before parting, it will be necessary to refer to three more decisions cited and relied upon by the learned counsel for the petitioner. They are : AIR 1968 Jammu & Kashmir 90; AIR 1980 Karnataka 79 and AIR 1982 Karnataka 156. AIR 1968 Jammu & Kashmir 90 (Nand Kumar-Vs-Baili Ram) related to the question of restoration of an election petition which was earlier dismissed for non-appearance of the election petitioner. It was held that even though there was no provision in the Act for restoring an election petition dismissed for default, by invoking the provision of Rule 9 of Order IX CPC, the petition can be restored and retried. Same principle was laid down in the case of B. Ganganna Vs. Returning Officer (AIR 1982 Karnataka 156). However, in that case, Karnataka High Court refused to invoke the provision of Section 151 of the Code on the ground that there was specific provision under Rule 9, Order IX of the Code and that provision not having been resorted to, the inherent power under Section 151 of the Code was not permissible. In AIR 1980 Karnataka 79 (Patil Sibaiya Vs. Kabisetti Shankarappa Suburappa and others) the election petitioner had filed an interim application u/s. 151 C.P.C. seeking permission to get on record the

marked electoral rolls maintained by the polling officer of the polling booth in that constituency through the Returning Officer of the constituency while he was in the witness box with a view to prove the allegation of voting by impersonation. Invoking the inherent power u/s. 151 of the Code, the application was allowed.

16. It is manifest that none of the decisions cited and relied upon by the learned counsel for the petitioner can come to the help of the petitioner in getting this election petition admitted by condoning or ignoring the delay in presentation thereof in violation of the mandatory provision of section 81 of the Act. The disobedience of the mandate of Section 81 of the Act inexorably attracts Section 86 which commands this Court in imperative language to dismiss an election petition which does not comply with the provision of Section 81 of the Act and even if the petitioner might have been prevented from presenting this petition in time due to his illness as stated by him. The result is that the petition stands dismissed as time barred.

Sd/-

(G. S. Chaube)

[No. 82|BR|3|98(R)|99]

By Order,

B. N. CHAWLA, Secy.

आदेश

नई दिल्ली, 8 मार्च, 1999

आ. अ. 74.—जबकि, निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट अप्रैल, 1996 में राष्ट्रीय राजधानी राज्य-क्षेत्र दिल्ली से हुए लोक सभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में तदनुसूची विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, के स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तख्तीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथावशित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है।

और जबकि, उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए एतद्वारा निर्गहित घोषित करता है।

मागणी

क्र. सं.	निर्वाचन का विवरण	निर्वाचन क्षेत्र की क्रम संख्या तथा नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निरहता का कारण
1	2	3	4	5
1.	लोक सभा के लिए साधारण निर्वाचन, 1996	2—दक्षिण दिल्ली	श्रीमती अर्चना दास, 43-बी/56, चितरंजन पार्क, नई दिल्ली।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
2.	—वही—	—वही—	श्री अवराम सिंह उर्फ अहिबजन सिंह, 551/1, डा. अम्बेडकर कैम्प, ए ब्लॉक, नेहरू प्लेस, दिल्ली।	—वही—
3.	—वही—	—वही—	श्री गोपाल चतुर्वेदी, एम. 27, राजौरी गार्डन, नई दिल्ली।	—वही—
4.	—वही—	—वही—	श्री जीवत प्रसाद गुप्ता, जीन 161, गुजर डेयरी, गौतम नगर, नई दिल्ली।	—वही—
5.	—वही—	—वही—	श्री तारा चंद, एफ-89, रघुवीर नगर, नई दिल्ली।	—वही—
6.	—वही—	—वही—	श्रीमती नरेंद्र कौर, 17/1 ए, तिलक नगर, नई दिल्ली।	—वही—
7.	—वही—	—वही—	श्री पंकज मल्होत्रा, के-19 ए, कालकाजी, नई दिल्ली।	—वही—
8.	—वही—	—वही—	श्री भारत भूषण, डब्ल्यू जेड-212, लाजवंती गार्डन, नई दिल्ली।	—वही—
9.	—वही—	—वही—	श्री राजकुमार, 256/21, ओंकार नगर-बी, त्रिनगर, नई दिल्ली।	—वही—
10.	—वही—	—वही—	श्री राजन ढीगरा, जे-12/66, राजौरी गार्डन, नई दिल्ली।	—वही—
11.	—वही—	—वही—	श्री वेधपाल शास्त्री, सी-13, हरी नगर, नई दिल्ली।	—वही—
12.	—वही—	—वही—	श्री हरभजन सिंह, 17/79, मुभाप नगर नई दिल्ली।	—वही—

1	2	3	4	5
13.	लोक सभा के लिए साधारण निर्वाचन, 1996	2—दक्षिण दिल्ली	श्री हरि दत्त शर्मा, बी-80, सर्वोदय एन्क्लेव, नई दिल्ली।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
14.	—वही—	—वही—	श्री राज कुमार, 1632/14, गोविन्द पुरी, कालकाजी, नई दिल्ली	—वही—
15.	—वही—	—वही—	श्री हाजी एम फारुक, 87 जाकिर बाग, सराय जुलहैना, नई दिल्ली।	—वही—
16.	—वही—	—वही—	श्री जे. आर. बुद्धीराजा, (नेताजी) 71/110, प्रेम नगर, पी. ओ. जनकपुरी, नई दिल्ली।	विधि द्वारा अर्पित रीति में निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।
17.	—वही—	—वही—	श्री ललित कुमार तंवर, डब्ल्यू जेड-209, बसई दारापुर, नई दिल्ली।	—वही—
18.	—वही—	—वही—	श्री सीस राम, ए-490/1, डा. ग्रम्बेडकर नगर कैम्प कालका जी, नई दिल्ली।	—वही—
19.	—वही—	—वही—	श्री रवि कुमार, 227, मस्जिद मोठ गांव, नई दिल्ली।	—वही—
20.	—वही—	—वही—	श्री गाम सिंह उर्फ बाबा विद्यार्थी, 18-डी, गौतम नगर, नई दिल्ली।	—वही—
21.	—वही—	—वही—	श्री संजय भसीन, 4-ए/18, तिलक नगर, नई दिल्ली।	—वही—
22.	—वही—	—वही—	श्री बंसी लाल थरेजा, 109, जनता डी. डी. ए. क्वार्टर, सफदरजंग एन्क्लेव, नई दिल्ली।	—वही—
23.	—वही—	—वही—	श्रीमती माता रानी अग्रवाल, एफ-192, अर्जुन नगर, नई दिल्ली।	—वही—
24.	लोक सभा के लिए साधारण निर्वाचन, 1996	2—दक्षिण दिल्ली	श्री मित्रसेन, 23, मोचीबाग गांव, नानक पुरा, दिल्ली	—वही—
25.	—वही—	5—चांदनी चौक	श्री मो. अख्तर, 64-ए, डी. डी. डी. ए. प्लैट्स, कॉलोनी-जैड, न्यू रणजीत नगर, नई दिल्ली-8	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में रहे।

1	2	3	4	5
26.	लोक सभा के लिए साधारण निर्वाचन, 1996	5--चांदनी चौक	श्री मुभाष चन्द, 1998, कटरा लक्ष्म सिंह, डा. एच. सी. सैन रोड, दिल्ली। रहे।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल
27.	--वही--	6--दिल्ली सदर	श्री अजय सिंह, 4006, गली अहिरन, बी. जी. रोड, दिल्ली।	--वही--
28.	--वही--	--वही--	श्री मदन सिंह, टी-528, बस्ती पंजाबियन, रोमानारा रोड, दिल्ली।	--वही--
29.	--वही--	--वही--	श्री राकेश कुमार, 8/69-ए, मोती नगर, नई दिल्ली।	--वही--
30.	--वही--	--वही--	श्री विजय, 188/14/1, राजपुरा गांव, गुडमण्डी, दिल्ली।	--वही--
31.	--वही--	--वही--	श्री सतीश कुमार, बी-1700, शास्त्री नगर, दिल्ली-52	--वही--
32.	--वही--	--वही--	श्री श्याम सुन्दर 8/73, डबल स्टोरी, विजय नगर, तिमारपुर, दिल्ली।	--वही--
33.	--वही--	--वही--	श्री राजा राम, आर. जैड सी.-240, निहाल बिहार, नांगलोई दिल्ली।	विधि द्वारा अपेक्षित रीति से निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।

[सं. 76/दिल्ली-जो. स./96]

प्रावेश से,

के. आर. प्रह्लाद, सचिव

ORDER

New Delhi, the 8th March. 1999

O.N. 74.—Whereas, the Election Commission of India is satisfied that the contesting candidates specified in column (4) of the table below at the General Election to the House of People held from National Capital Territory of Delhi in April, 1996 as specified in column (2) and held from constituencies correspondingly specified in column (3) against their names have failed to lodge account of their election expenses, as shown in column (5) of the table, as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidates have either not furnished any reason or explanation for the said

failure even after due notice of the Election Commission, after considering the representation made by them, if any, the Election Commission is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the table below to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order.

TABLE

S. No.	Particulars of Election	S. No. & Name of constituency	Name & address of contesting candidates	Reason for disqualification
1	2	3	4	5
1.	General Election to the House of People, 1996.	2-South Delhi Parliamentary Constituency	Smt. Archana Dass, 43-B/56, Chitranjan Park, New Delhi.	Failed to lodge any account of election expenses at all.
2.	-do-	-do-	Sh. Awaram Singh alias Ahivaran Singh, 551/1, Dr. Ambedkar Camp, A-Block, Nehru Place, Delhi.	-do-
3.	-do-	-do-	Sh. Gopal Chaturvedi, M-27, Rajouri Garden, New Delhi.	-do-
4.	-do-	-do-	Sh. Jeewat Prashad Gupta, G-161, Gujar Dairy, Gautam Nagar, New Delhi.	-do-
5.	-do-	-do-	Sh. Tara Chand F-89, Raghubir Nagar, New Delhi.	-do-
6.	-do-	-do-	Smt. Narender Kaur, 17/1-A, Tilak Nagar, New Delhi.	-do-
7.	-do-	-do-	Sh. Pankaj Malhotra, K-19/A, Kalkaji, New Delhi.	-do-
8.	-do-	-do-	Sh. Bharat Bhushan, WZ-212, Lajwanti Garden, New Delhi.	-do-
9.	-do-	-do-	Sh. Raj Kumar, 256/21, Onkar Nagar-B, Tri Nagar, New Delhi.	-do-
10.	-do-	-do-	Sh. Rajan Dhingra, J-12/66, Rajouri Garden, New Delhi.	-do-
11.	-do-	-do-	Sh. Ved Pal Shastri, C-13, Hari Nagar, New Delhi.	-do-
12.	-do-	-do-	Sh. Harbhajan Singh, 17/79, Subhash Nagar, New Delhi.	-do-
13.	-do-	-do-	Sh. Hari Dutt Sharma, B-80, Sarvodaya Enclave, New Delhi.	-do-

1	2	3	4	5
14.	General Election to the House of People, 1996.	2-South Delhi Parliamentary Constituency.	Sh. Raj Kumar, 1632/14, Govindpuri, Kalkaji, New Delhi.	Failed to lodge any account of election expenses.
15.	-do-	-do-	Hazi M. Farooq, 87, Jakir Bagh, Sarai Julehna, New Delhi.	-do-
16.	-do-	-do-	Sh. J.R. Budhiraja, 71/119, Prem Nagar, Janakpuri, New Delhi.	Failed to lodge account in the manner required by law
17.	-do-	-do-	Sh. Lalit Kumar Tanwar, WZ-209, Basai Darapur, New Delhi.	-do-
18.	-do-	-do-	Sh. Sis Ram, A-490/1, Dr. Ambedkar Ngr, Camp, Kalkaji, New Delhi.	-do-
19.	-do-	-do-	Sh. Ravi Kumar, 227, Masjid Moth Village, New Delhi.	-do-
20.	-do-	-do-	Sh. Sham Singh alias Baba Vidyarthi, 18-D, Gautam Nagar, New Delhi.	-do-
21.	-do-	-do-	Sh. Sanjay Bhasin, 4-A/18, Tilak Nagar, New Delhi.	-do-
22.	-do-	-do-	Sh. Bansi Lal Thareja, 109, Janta DDA Qtrs., Safdarjang Enclave, New Delhi.	-do-
23.	-do-	-do-	Smt. Mala Rani Aggarwal, F-192, Arjun Nagar, New Delhi.	-do-
24.	-do-	-do-	Sh. Mittar Sen, 23, Mochi Bagh Vill., Nanakpura, Delhi.	-do-
25.	-do-	5-Chandni Chowk Parliamentary Constituency.	Md. Akhtar, 64-A, DDA Flats, Block-Z, New Ranjit Nagar, New Delhi-8.	-do-
26.	-do-	-do-	Sh. Subhash Chand, 1998, Katra Lachhoo Singh, Dr. H.C. Sain Road, Delhi.	-do-

1.	2.	3.	4.	5.
27.	General Election to the House of People, 1996.	6-Delhi Sadar Parliamentary Constituency	Sh. Ajay Singh, 4006, Gali Ahiran, B.G. Road, Delhi.	Failed to lodge any account of election expenses.
28.	-do-	-do-	Sh. Madan Singh, T-528, Basti Punjabian, Roshanara Road, Delhi.	-do-
29.	-do-	-do-	Sh. Rakesh Kumar, 8/69-A, Moti Nagar, New Delhi.	-do-
30.	-do-	-do-	Sh. Vijay, 188/14/1, Rajpura Vill, Gurmandi, Delhi.	-do-
31.	-do-	-do-	Sh. Satish Kumar, B-1700, Shastri Nagar, Delhi-52.	-do-
32.	-do-	-do-	Sh. Shyam Sunder, 8/73, Double Storey, Vijay Nagar, Timarpur, Delhi.	-do-
33.	-do-	-do-	Sh. Raja Ram, RZC-240, Nihal Vihar, Nangloi, Delhi.	Failed to lodge account in the manner required by law.

[No. 76 DL-HP/96(3)]

By Order,

K. R. PRASAD, Secy.

आदेश

नई दिल्ली, 8 मार्च, 1999

आ. अ. 75 :—जबकि, निर्वाचन आयोग का समाधान हो गया है कि नीचे की मारणी के स्तम्भ (2) में यथा विनिर्दिष्ट फरवरी, 1998 में राष्ट्रीय राजधानी राज्य-क्षेत्र दिल्ली में हुए लोक सभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में तदनुसूची विनिर्दिष्ट निर्वाचन क्षेत्र से दृष्टा है, के स्तम्भ (4) में उसके गामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्ती बनाए गए नियमों द्वारा अपेक्षित उक्त मारणी के स्तम्भ (5) में यथावश्यक अपने निर्वाचन व्ययों का लेखा दायित्व करने में असफल रहा है।

और जबकि, उक्त अभ्यर्थियों ने सम्बन्ध सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः उक्त निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की मारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन या किसी राज्य/संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और इसके लिए आवश्यक से तैयारी की बादावधि के लिए परवर्द्धित घोषित करता है।

सारणी

क्र. सं.	निर्वाचन का विवरण	निर्वाचन क्षेत्र की क्रम संख्या तथा नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निराहता का कारण
1	2	3	4	5
1.	लोक सभा के लिए साधारण निर्वाचन, 1998	1—नई दिल्ली	श्री शंकर बापा, 142, प्रैस रोड, डी. डी. यू. मार्ग, नई दिल्ली—110002	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
2.	—वही—	—वही—	श्री मुनील मेहता, जी—20, लाजपत नगर-II, नई दिल्ली।	—वही—
3.	—वही—	2—दक्षिण दिल्ली	श्री कुलदीप सिंह, सेक्टर-11, क्वार्टर नं.-513, आर. के. पुरम, नई दिल्ली।	—वही—
4.	—वही—	—वही—	श्री प्रदीप श्रीवास्तव, 64-बी, डी. डी. ए. फ्लैट, शाहपुर जाट, नई दिल्ली।	—वही—
5.	—वही—	—वही—	मो. युनुस, 169, जाकिर नगर, नई दिल्ली	विधि द्वारा अपेक्षित रीति से निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे।
6.	—वही—	6—दिल्ली सदर	मो. सादिक खान, सी-33, शारवापुरी, रमेश नगर, नई दिल्ली—15	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे
7.	—वही—	—वही—	श्री सीता राम मोर्चा, 432, छोटा निकास, गली मिनेमा वाली, दिल्ली—7	—वही—

[सं. 76/दिल्ली-मो. स./98 (2)]

आदेश से,

के. आर. प्रसाद, सचिव

ORDER

New Delhi, the 8th March, 1999

O.N. 75.—Whereas, the Election Commission of India is satisfied that the contesting candidates specified in column (4) of the table below at the General Election to the House of People held from National Capital Territory of Delhi in 1998 as specified in column (2) and held from constituencies correspondingly specified in column (3) against their names have failed to lodge account of their election expenses, as shown in column (5) of the table, as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice of the Election Commission, after considering the representation made by them, if any, the Election Commission is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the table below to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order.

TABLE

S. No	Particulars of Election	S. No. & Name of constituency	Name & address of contesting candidates	Reason for disqualification
1.	General Election to the House of People, 1998.	1-New Delhi Parliamentary Constituency	Shri Shankar Thapa, 142, Press Road, D.D.U. Marg, New Delhi.	Failed to lodge any account of election expenses.
2.	-do-	-do-	Shri Sunil Mehta G-20, Lajpat Nagar-II, New Delhi.	-do-
3.	-do-	2-South Delhi Parliamentary Constituency	Shri Kuldeep Singh Sector-II, Qr. No. 513, R.K. Puram. New Delhi.	-do-
4.	-do-	-do-	Shri Pradeep Srivastav 64-B, D.D.A. Flat, Shahpur Jat, New Delhi.	-do-
5.	-do-	-do-	Mohd. Yunus, 169, Jakir Nagar, New Delhi.	Failed to lodge account in the manner required by law.
6.	-do-	6-Delhi Sadar Parliamentary Constituency	Mohd. Sadik Khan, C-33, Sardapuri, Ramesh Nagar, New Delhi-15.	Failed to lodge any account of election expenses.
7.	-do-	-do-	Sh. Sita Ram Mourya, 432, Chhota Nikasa, Gali Cinema Wali, Delhi-7.	-do-

[No.. 76/DL-HP/98(2)]

By Order,
K. R. PRASAD, Secy.

आदेश

नई दिल्ली, 8 मार्च, 1999

आ.अ. 76:—जबकि, निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट मई, 1996 में हुए, पंजाब राज्य में लोक सभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में तदनुसूची विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, के स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाले अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दशित अपने निर्वाचन व्ययों का लेखा दाखिल करने में बिल्कुल असफल रहे हैं/उनके द्वारा दाखिल लेखा समय के भीतर नहीं है और/अथवा विधि द्वारा निर्धारित ढंग से नहीं है ;

और जबकि, उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा किए गए अभ्यावेदनों पर यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायीचित नहीं है ;

अतः, अब निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए दस आदेश की तारीख से तीन वर्ष की कालावधि के लिए एतद्द्वारा निरहित घोषित करता है।

सारणी

क्रम निर्वाचन का विवरण सं.	निर्वाचन क्षेत्र की क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निराक्षर का कारण
1	2	3	4
1. पंजाब राज्य में लोक सभा के लिए साधारण निर्वाचन, 1996	1—गुरदासपुर	श्री मनवीर सिंह, गांव मुलतानी, डा. बहिरामपुर, तहसील ब. जिला गुरदासपुर (पंजाब) ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे ।
2. —वही—	—वही—	श्री तिलक राज, गांव जंडपुर, डा. पिंजौर, तहसील पठानकोट, (पंजाब) ।	—वही—

[सं. 76/पंजा. -नं. सं. /96(8)]

आदेश से,

के. प्रसाद, सचिव

ORDER

New Delhi, the 8th March, 1999

O.N. 76.—Whereas, the Election Commission of India is satisfied that the contesting candidates specified in column (4) of the Table below at the General Election to the Lok Sabha held in May, 1996 in the State of Punjab, as specified in column (2) and held from constituency correspondingly specified in column (3) against their names have either failed to lodge any account of their election expenses, or have failed to lodge their account of election expenses in time and/or in the manner specified by law, as shown in column (5) of the Table, as required by the Representation of

the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order.

TABLE

Sl. No.	Particulars of election	No. and Name of Constituency	Name and address of contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to the Lok Sabha held in 1996 in the State of Punjab.	1—Gurdaspur	Sh. Satbir Singh, Vill. Sultani, P.O. Behrampur, Teh. & District Gurdaspur, (Punjab).	Failure to lodge any account of election expenses.
2.	—do—	—do—	Sh. Tilak Raj, Vill. Jhandpur, P.O. Pinjore, Tehsil Pathankot, (Punjab).	—do—

[No. 76 PB-11P/96(8)]

By Order,

K. R. PRASAD, Secy.